

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF ANTIGUA COLLEGE  
OF MEDICINE, a foreign corporation,

Plaintiff,

V

STEVEN L. WOODWARD,

Defendant.

United States District Court Judge  
Patrick J. Duggan, presiding  
Michael Hluchaniuk, referral  
Case No.: 2:10-cv-10978

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Eric A. Buikema (P58379) CARDELLI, LANFEAR & BUIKEMA, P.C. Attorneys for Plaintiff 322 W. Lincoln Royal Oak, MI 48067 (248) 544-1100 ebuikema@cardellilaw.com	STEVEN L. WOODWARD In Pro Per c/o 7211 Brittwood Lane Flint, MI 48507 Steve_L_woodward@yahoo.com
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**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR INFORMATION FROM  
ECFMG (Docket No. 125), REQUEST FOR INFORMATION FROM NBME (Docket No.  
128) AND REQUEST FOR INFORMATION FROM SALLIE MAE (Docket No. 130)**

Plaintiff American University of Antigua College of Medicine ("AUA"), through counsel Responds to Defendant's Motion for Information from ECFMG (Docket No. 125), Defendant's Motion for Information from the NBME (Docket No. 128) and Motion for Request of Information by Court Order from Sallie Mae (Docket No. 130) as follows:

1. Defendant seeks an order of the Court for information from the Education Commission for Foreign Medical Graduates ("ECFMG"), from the National Board of Medical

Examiners (“NBME”) and From Sallie Mae. There is no authority for the Court to grant the relief requested and the instant motion must be denied.

2. If the Court were to construe Defendant’s Motion as one to Compel pursuant to Fed. R. Civ. P. 37, it must be denied as there is no pending discovery to the ECFMG, NBME or Sallie Mae. The Court quashed Defendant’s subpoenas because this Court lacks jurisdiction over the deponents to compel production in this district. (Docket No. 123).

3. If the Court were to consider Defendant’s request as one for reconsideration of the Court’s order quashing the subpoenas to ECFMG/NBME/Sallie Mae, it must be denied as it neither alleges nor demonstrates a “palpable defect” such that the Court has been misled and that a different outcome would result from a correction of the defect. See LR 7.1(g).

4. In fact, Defendant in his motion admits that the ECFMG is not a resident of this district.

5. Similarly, he admits that the NBME is not a resident of this judicial district.

6. Additionally, he concedes that Sallie Mae is not a resident of this judicial district.

7. As such, the subpoenas were improper and the Court did not palpably err by quashing them.

8. Furthermore, if Defendant took issue with the Magistrate’s order quashing the subpoenas, the Court rules provided him with an opportunity to have that decision reviewed by the District Judge. Fed. R. Civ. P. 72.

9. If the Court were to construe Defendant’s Motion as Objections pursuant to Fed. R. Civ. P. 72, the instant motion must be denied as he fails to present any grounds to demonstrate that the order is “clearly erroneous or is contrary to law.”

10. As noted above, Defendant concedes that the ECFMG and the NBME are not residents of this judicial district. As such, there is no indication that the Court's ruling was clearly erroneous or contrary to law.

11. Defendant has made multiple attempts to obtain these records through this Court (see Dockets 17, 18, 21, and the various subpoenas issued). Plaintiff requests that the Court deny these motions and instruct Defendant to adhere to Fed. R. Civ. P. 45.

12. As Plaintiff has had to respond to a number of Defendant's frivolous motions on this subject, it requests an order of costs in the amount of \$500.00. This award of costs would serve to deter these future filings.

Wherefore, Plaintiff requests that the Court deny Defendant's Motions (Docket Nos. 125, 128 and 130) and enter an award of costs in the amount of \$500.00.

Respectfully Submitted,

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**BRIEF IN SUPPORT**

In support of its response, Plaintiff relies upon Fed. R. Civ. P. 37, 45, 72, LR 7.1(g), and the sound discretion of this Honorable Court.

Respectfully Submitted,

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Dated: April 27, 2011

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Plaintiff's Response to Defendant's Motion for Information from ECFMG (Docket No. 125), Request for Information from NBME (Docket No. 128) and Request for Information from Sallie Mae (Docket No. 130) and Brief in Support with this Certificate of Service were served upon Steven L. Woodward, Defendant, via his email address [Steve\\_L\\_woodward@yahoo.com](mailto:Steve_L_woodward@yahoo.com) and First Class U.S. mail to Steven Woodward, c/o 7211 Brittwood Lane, Flint, MI 48507 on April 27, 2011

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